4th April 1950]

APPENDIX IV.

[Vide item IV (5) at page 661 supra.]

L.A. BILL No. 9 OF 1950.

(As passed by the Assembly.)

A Bill to amend the Madras Tenants and Ryots Protection Act, 1949.

Madras Act XXIV of 1949.

WHEREAS it is expedient to amend to Madras Tenants and Ryots Protection Act, 1949, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Madras Tenants and Ryots Protection (Amendment) Act, 1950.

Madras Act XXIV of 1949.

Amendment of section I, Madras Act XXIV of 1949.

2. In section 1, sub-section (3) of the Madras Tenants and Ryots Protection Act, 1949 (hereinafter referred to as the said Act), for the words, figures and letters "shall remain in force up to and inclusive of the 7th October 1950", the words, figures and letters "shall remain in force up to and inclusive of the 7th October 1951" shall be substituted.

Amendment of settion 4, Madras Act XXIV of 1949.

3. In section 4 of the said Act—

(i) (*a*) in sub-section (2) for the words "the date of institution of the suit", the words and brackets "the date on which notice of the suit was served on him by the Court (which service shall be the duty of the Court)" shall be substituted;

(*b*) in the same sub-section, for the words "an amount equivalent to rent for two years", the words "an amount equivalent to rent for two years immediately preceding the date aforesaid" shall be substituted;

(ii) after sub-section (2), the following sub-sections shall be inserted, namely:—

"(2-A) In the case of a suit or proceeding for the sale of a holding to recover rent, or of a proceeding in execution of a decree or order obtained in any such suit or proceeding, or of a proceeding in execution of a decree or order for eviction, where the decree or order provides for the payment of rent—

Madras Act XVII of 1946.

(i) if the suit or proceeding was instituted before the commencement of the Madras Tenants and Ryots Protection (Amendment) Act, 1950, and no deposit has been made in pursuance of section 4, sub-section (3) of the Madras Tenants and Ryots Protection Act, 1946, the tenant or ryot shall deposit in Court for payment to the landlord, within two months from such commencement, (*a*) the amount claimed in the suit or proceeding or the amount payable under the decree or order, or (*b*) the rent for two years immediately preceding such commencement, whichever is less, or

(ii) if the suit or proceeding is instituted after such commencement, the tenant or ryot shall deposit in Court for

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payment to the landlord, within two months from the date on which notice of the suit or proceeding is served on him by the Court (which service shall be the duty of the Court), (*a*) the amount claimed in the suit or proceeding or the amount payable under the decree or order, or (*b*) the rent for two years immediately preceding the date aforesaid, whichever is less, together with such interest as may be payable under law, custom, or agreement up to the date of deposit.

(2-B) Where, before the institution of any suit or proceeding of the description referred to in sub-section (1) a tenant or ryot has paid to the landlord or deposited in Court for payment to him, an amount equivalent to the rent for two years immediately preceding the date of payment or deposit or to the rent due up to such date, whichever is less, together with such interest as may be payable up to such date, under law, custom or agreement, and has continued to pay or deposit as aforesaid each year's rent, within a period of two months from the date on which it accrued due, the tenant or ryot shall not be liable to make the deposit referred to in sub-section (2), or sub-section (2-A).";

(iii) in sub-section (3)—

(*a*) for the word, brackets and figures "sub-section (2)," the words, brackets, figures and letter "sub-section (2) or (2-A)" shall be substituted;

(*b*) for the words "the tenant," the words "the tenant or ryot" shall be substituted;

(iv) in sub-section (5), for the words, brackets and figures "sub-sections (2) and (4)," the words, brackets, figures and letters "sub-sections (2), (2-A), (2-B) and (4)" shall be substituted;

(v) in sub-section (6), for the words, brackets and figures "sub-section (2) or sub-section (4)," the words, brackets, figures and letter "sub-section (2), (2-A) or (4)" shall be substituted;

(vi) in sub-section (7), for the words, brackets and figures "sub-section (2) or sub-section (4)," the words, brackets, figures and letters "sub-section (2), (2-A), (2-B) or (4)" shall be substituted.

Application of section 4 (2) as amended to suits instituted before amendment.

4. Section 4, sub-section (2), of the said Act, as amended by this Act, shall apply to every suit of the description referred to in that sub-section which stood stayed at the commencement of this Act and in respect of which a period of four months from the date of institution of the suit had not expired at such commencement; but the amendments made to that sub-section by this Act shall not be deemed to have applied to, or to affect the validity of, any deposit made or deemed to have been made before the commencement of this Act.